

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
CHATTANOOGA DIVISION

NATHAN ALEXANDER SMITH,)
Plaintiff,)
v.) 1:24-CV-00104-DCLC-CHS
MEIGS COUNTY GOVERNMENT, et al.,)
Defendants.)

ORDER

On June 10, 2024, the Court consolidated the above-captioned action with *Kenneth Andrew Colbaugh, et al. v. Meigs County Sheriff's Department, et al.*, No. 1:24-CV-151 (the “Colbaugh case” for the purposes of determining which plaintiff had the statutory right of action to bring a wrongful death action on behalf of Tabatha Marie Colbaugh (“decedent”) [Doc. 54]. On November 27, 2024, the Court found that the right of action passed to decedent’s children and dismissed the claims asserted by her spouse, Kenneth Colbaugh, in the Colbaugh case [Doc. 95]. The Court further directed the parties to confer regarding how to proceed with the children’s joint right of action in one case [*Id.*]. On December 27, 2024, the plaintiffs filed a joint status report informing that Nathan Alexander Smith (“Smith”) would (1) join the remaining plaintiffs in the Colbaugh case and (2) seek dismissal of the above-captioned action [Doc. 96].

Smith has now filed a notice of voluntary dismissal in the above-captioned action and the plaintiffs, including Smith, filed an Amended Complaint in the Colbaugh case. Accordingly, the above-captioned action is **DISMISSED WITHOUT PREJUDICE**. The Clerk is directed to close the case. It is further **ORDERED** that Meigs County Government’s Motion to Dismiss [Doc. 56; Doc. 22 in 1:24-CV-151] and Smith’s Motion for leave to file excess pages in response to the

motion to dismiss [Doc. 59; Doc. 25 in 1:24-CV-151] are **DENIED AS MOOT**. *See In re Refrigerant Compressors Antitrust Litig.*, 731 F.3d 586, 589 (6th Cir. 2013) (“An amended complaint supersedes an earlier complaint for all purposes.”).

SO ORDERED:

s/Clifton L. Corker
United States District Judge